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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,433	03/01/2002	Hung Viet Ngo	C3043US;680-010481-US(PAR	3428
29683	7590	04/15/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			KANG, JULIANA K	
			ART UNIT	PAPER NUMBER
			2874	
DATE MAILED: 04/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/087,433	NGO, HUNG VIET	
	Examiner	Art Unit	
	Juliana K. Kang	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-12 and 14-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7,9-12,14-28,42 and 43 is/are allowed.
- 6) ☒ Claim(s) 29-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's communication filed on March 21, 2005 has been carefully studied by the Examiner. The declaration filed on March 21, 2005 under 37 C.F.R. 1.131 is sufficient to overcome the U.S. Patent No. 6,688,780 B2. In view of further search, however, and the consequent discovery of a previously uncited prior art document, a new rejection is applied to the pending claims. The late discovery of the newly applied reference is sincerely regretted. The finality of the last Office action is hereby withdrawn and this action is not made final.

2. Claims 1-7, 9-12, 14-28, 42 and 43 are allowable as indicated during the previous Office action however claims 29-41 are rejected.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 29, 31-33, 35, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al (U.S. Patent 5,317,663) and further in view of Estrella et al (U.S. Patent 6,695,485 B1, previously applied upon).

Regarding claims 29, 31, 32, 35 and 39, Beard et al disclose an optical fiber adapter with all the claimed limitations (see Figs. 1 and 4) except the passage of the housing that is slanted relative to the mounting section. Estrella et al teach an optical fiber adapter with the passage of the metal housing that is slanted relative to the mounting section to avoid any potential eye injury to a technician (see column 3 lines 20-37). Thus, it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to use apply the slanted passage as taught by Estrella et al in Beard et al to protect a user eyes from eye damages.

Regarding claim 38, even though Beard et al and Estrella et al do not specifically teach that the connectors are MPO or MPT connectors using such types of well known connectors in Beard et al and Estrella et al would have been obvious to one having ordinary skill in the art at the time the invention was made to provide easier connection between a plurality of optical fibers.

4. Claims 36, 37 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al (U.S. Patent 5,317,663) and Estrella et al (U.S. Patent 6,695,485 B1) and further in view of Ernst et al (U.S. Patent 5,825,955).

As described above Beard et al and Estrella et al teach the claimed limitation except a spring loaded pivotally mounted door. Ernst et al teach an optical fiber connector and a spring loaded pivotally mounted door to the housing to protect an operator's eyes from dangerous light transmitted by an optical fiber. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a spring loaded pivotally mounted door in Beard et al and Estrella et al as taught by Ernst et al to make the connector safer for an operator to use.

5. Claims 34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al (U.S. Patent 5,317,663) and Estrella et al (U.S. Patent 6,695,485 B1) and further in view of Szilagyi et al (U.S. Patent 6,305,961 B1).

As described above Beard et al and Estrella et al teach the claimed limitation except the mounting section having a recess for an EMI gasket. Szilagyi et al teach that

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it is known in the art to use EMI gaskets between the mating portions of the connector assembly to prevent electromagnetic interference (see column 1 lines 41-47). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an EMI gasket in Beard et al and Estrella et al as taught by Szilagyi et al to prevent EMI leakage and also having a recess area in the mounting section would have been obvious in order to have the EMI gasket in place.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 29-41 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No.

6,863,446 B2.

Regarding claims 29-32, 34-37 and 39-41, although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-32 of the patent recite all of the structure recited in claims 29-32, 34-37 and 39-41 of the present

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application plus additional structure. Although the claims are not identical, broader claims 29-32, 34-37 and 39-41 of the present application are rendered obvious by the more specific claims 1-32 of the patent.

Regarding claims 33 and 38, although the claims of U.S. Patent 6,863,446 B2 do not disclose the housing made of metal and the claimed MPO or MTP connector, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a well known material and connectors, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Response to Arguments

8. Applicant's arguments with respect to claims 29-41 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana K. Kang whose telephone number is (571) 272-2348. The examiner can normally be reached on Mon. & Fri. 10:00-6:00 and Tue. & Thur. 10:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3/30/05
JULIANA KANG
PRIMARY EXAMINER